

REMARKS

ON A

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PAMPHLET

INTITLED,

CONSIDERATIONS

On the Late

BILL

For Paying the

National DEBT, &c.

*He that is first in his own Cause seemeth just; but his
Neighbour cometh and searcheth him out.*

D U B L I N:

Printed in the YEAR M DCC LIV.

АМЕРИКА

[2]

АНО

ПАМФЛЕТ

СОЛЛІТИ

РЕМАРКІС



ЛОНДОН

ПАМФЛЕТ, &c.

Его Превідні

A Pamphlet having appeared lately, intitled, *Considerations, &c.* and professing to state impartially the Arguments in support of a Right claimed by the Crown, which intimately affects the fundamental Rights of this Country, wherein these Arguments and the Facts supporting them are yet in reality, stated with evident Partiality, Deceit, and Subtilty; it is a Duty due to the Public, to expose this unfair Dealing, as speedily as possible; and therefore are these few Remarks thus hastily sent after it, to prevent unwary honest Men from being beguiled out of their native Sense of Truth and Justice, and of those essential Rights, which no human Law bestowed, and which therefore, though Force

Force or Fraud may bear down and destroy, yet no human Power nor Art, can possibly make void.

IN order to this it may be proper, *first*, to make some Observations on this Author's Manner of stating the several Facts, upon the true State of which the Force of his subsequent Arguments essentially depends.

NEXT to give an Account of these same Facts, dictated by Candor, and warranted by Circumstances which cannot deceive.

AND last of all, to point out such of the groffer Mistakes in the Course of his Argument as may be sufficient to answer the Design of this Paper.

IN p. 4. the Author professes, that his Pamphlet is an honest Attempt to endeavour to quiet the Fears and Apprehensions of the People; which Fears and Apprehensions He tells us had been raised, ‘ by Occasion having been taken without Doors, from the Rejecting of the late Bill, to spread Insinuations injurious to Government, and tending to alienate the Affections of his Majesty's Subjects.’ That the Affections of his Majesty's Subjects are greatly alienated one from another, is a sad and undoubted Truth, (tho' God be thanked, none of them from his Majesty); and at whose Door this Mischief is chargeable may be made so evident, that he who runs may read; but this is not the Place: It is to be feared however, that the Author has, by his very manner of expressing himself in this his first setting out, but too plainly betrayed,

that something else than this honest Attempt to quiet the Fears and Apprehensions of the People was the Intention of this Pamphlet. The Fears and Apprehensions of the People are, thanks be to God, and to the Fortitude of our Hundred and twenty-four Representatives, on the ever-memorable 17th of December 1753, already pretty well quieted, and have been so from the Conclusion of that Day ; so far was the rejecting of that Bill from being the Occasion of these Fears and Apprehensions, that these Fears were created, while the Fate of this Bill was in suspense, ‘ left it should not be rejected ;’ the Moment the Fate of the Bill was determined to their Wishes, that Moment their Fears vanished, and an universal Joy took place, and still subsists in their stead ; their Deliverance was accomplished by *rejecting the Bill* ; nor is it easy to guess what should make the Author insinuate that they at present stand in need of his Aid, for quieting their Fears : For what is there now subsisting, that they need to be apprehensive about, unless it be the Sufferings of some gallant Patriots who could not be made to swerve from their Duty to their Country, by any Apprehensions of Severity in regard to themselves ?

IN p. 5. the Author tells us, that the ‘ only Operation of the Clause,’ (by which is meant the now well-known Preamble) ‘ would have been a Parliamentary Acknowledgment of the King’s antient Right to the *Application* of the Money in the actual Receipt of the Treasury ; as had been made upon the like Occasion in the Bill of the former Session.’

WHAT

WHAT Unfairness and want of Candor discover themselves in these few Lines! Doth this Author really believe, that the Parliament, in the former Session, ever MEANT to make such an Acknowledgment as is here referred to? Doth he not *know in his Conscience*, that such an Acknowledgment was the farthest from their Thoughts? And upon what Principles of Truth and Honesty, can he represent to the unsuspecting Public, that the Parliament *made* this Acknowledgement, when he is conscious to himself that the very Reverse was as strongly, and much more universally their Sense then, as when the Bill was rejected this present Session? Shameful Prevarication! — Farther, would not a plain Man be led by the Beginning of this Paragraph to imagine, that all that was wanted, was only that the Parliament should comply with the harmless Form of acknowledging what they themselves could not but confess to be an unquestioned, well-defined, as well as antient Right in the King, relative to the Application of the public Money remaining at any Time in the public Treasury; and that there never was so much as a Suspicion in any Person's Mind, that the complying with this Form, would be vesting *any new or greater Power in the Crown*, in regard to the Public-Money, than it was clearly possessed of before? and yet doth not every Man, at all conversant in these Matters, and this Author among the rest, assuredly know, that the contrary of all this was the Fact; and that there never would have been one Moment's Contest about the Matter, had not the *new Language*, introduced in the Duke of Dorset's first Speech in 1751 created a general

neral Apprehension, ‘ that *greater Powers* were about
‘ to be claimed over the public Money of this King-
‘ dom, than were hitherto understood to be warrant-
‘ ed by any of the Principles of our Constitution.’

IT is not now inquired whether such an Apprehension was well-founded or not, this will fall under Examination in its proper Place, but that this was in fact the Apprehension which occasioned the Debate, in Consequence of which the Bill was rejected, this Author cannot but perfectly remember; tho', doubtless, it must for ever give him, as well as the principal Leaders of his Party, Confusion to recollect what, at that Time, was so expressly declared, by one Gentleman particularly, then possessed of the highest nominal Distinction, and then, and now, incontestably possessed of far the highest Authority, in his Profession; who after lamenting, in the most gentle Terms, some undesirable Circumstances in the Constitution of this Country, pronounced it as an invariable Purpose, in regard to his own Conduct, to maintain this Constitution, in the State in which he found it; Whether this was not said with more Modesty, and Diference to present Authority, than strictly consisted with that Supreme Respect which is indispensably due, by every Man, to the essential Rights of his Country, let other Folks determine: But so it was, that after making this Declaration, the whole Course of his Argument was confined to this single Topic; and solely directed to demonstrate the Propriety and Necessity of rejecting this Preamble, if the House did not mean to give up a very essential Article, in the *present Constitution*,

dition, of this Country. Tho' this be notoriously the whole Truth of this Matter, yet it is easy to be accounted for, that so different a Representation is attempted to be imposed upon the Public. No one can believe that a Prince distinguished for his invariable Regard to Justice, in the whole Course of his Actions, and of so much native Goodness and Generosity of Heart, could have been prevailed on to disgrace a Number of his Servants, (all of them of unquestioned Loyalty, and zealous in their Attachment to his Majesty's Family and Government, and some of them, of such exalted Qualities, as eminently to adorn the Administration in which they were employed) and to do this with peculiar Marks of Severity, merely for endeavouring to prevent an Innovation, which they apprehended to be hurtful to the essential constitutional Rights of their Country; FALSHOODS MUST have been conveyed to the Throne; and false Representations may, in consequence, be judged necessary to be exhibited to the People; all this, some Folk's Spirits may allow them to practise; but it were to be wished that they would at least abstain from taking the sacred Word *Honesty*, and *honest Attempt*, into their Lips;—so far, however, is but a small Sample of the Licence of this Author.

WITH a View, as he professes, to set this Matter in a *clear Light*, he takes it up at the Year 1749. Why he chooses the Word Year instead of the more usual Word Session, it may not be worth while to inquire; but certainly, Men not acquainted with the real Nature of such Transactions, may be led to apprehend

prehend from his manner of expressing himself in that, and the following Paragraph, p. 6. that there were no other Commissioners appointed, but those by the Government, to state the public Accounts :— His Words are these.

‘ To set this Matter in a clear Light it must be taken up at the Year One thousand seven hundred and forty-nine : When, upon stating of the public Accounts by the Commissioners appointed for that Purpose, it appeared, that on the twenty-fifth Day of *March*, there was in the Hands of the Vice Treasurers or their Deputies, a Ballance of about Two hundred and twenty thousand Pounds.

‘ THE Amount of this Sum rendered it an Object of public Consideration ; and perhaps it was the first Instance of a Ballance in the Treasury that deserved any great Attention : It therefore well became those in Authority to consider in what Way the Whole, or Part, might be best applied for the Ease of the People, and for public Service.’ Surely, it was the Author’s Evil Genius that dictated this Language ; not the least mention of Parliament, tho’ the whole of this Matter was fully transacted in Parliament, without the smallest Deviation from the usual Course of Proceeding practised by the House of Commons, the Beginning of every Session ; but, telling the Matter simply might naturally have caused some such unlucky Reflection, to start into ordinary Minds ; ‘ for what Purpose all this Labour and Trouble in stating Accounts and striking a Ballance, taken by the House

‘ House of Commons? especially when it is known
‘ before hand that some Ballance there certainly is re-
‘ maining in the Treasury ; and of what Significancy
‘ can the Knowledge of the exact Amount of this Bal-
‘ lance be to them, when, be it what it will, they it
‘ seems can have no Right so much as to interpose
‘ their Advice concerning the Application of it, nor
‘ any Part of it, unless previously permitted to do so,
‘ by an Intimation from his Majesty, that he would
‘ consent to their taking this Liberty ; not a general
‘ Liberty neither, but only in regard to such Uses as he
‘ shall point out?’ indeed when the Treasury is empty,
and the Funds prove deficient, the Commons are then
at full Liberty to become the first Movers for supply-
ing this Deficiency, by taking more Money out of the
Pockets of the People: their Use in the Constitu-
tion, in regard to the fundamental Article of Mo-
ney, according to our Author, being only to devise,
and to be the original Movers for imposing, new Taxes
on their Country ; but to have no share, in virtue of
any Right of their own, or of their Constituents, to
interpose the least Advice in regard to the Applica-
tion of those Taxes, after they are raised ; for according
to this new Doctrine, claiming any Share of this Sort,
would be no less than invading his Majesty’s es-
tablished and antient Right. Well! But tho’ the Par-
liament has no Right to interfere in this Matter, our
Author readily admits, and in very strong Terms af-
serts, that other Folks have: When the Money in
the Treasury amounts to any considerable Sum,
then it becomes an Object of *publick Considera-*
tion: It would have contributed not a little to that
clear

clear Light which our Author promised us, had he vouchsafed to have told his Readers what they were to understand by *public Consideration*; but as he has left us pretty much in the Dark in regard to this Article, we must endeavour to find out his Meaning as well as the Rules of fair Criticism will permit; and so far it is to be presumed we may venture to proceed, without any great hazard of injuring or mistaking him, that by *public Consideration* we are to understand the ‘*Consideration of the Public*:’ this however is advancing but a very small length; the arduous Article remains still upon Hand, how to investigate what or whom this Public consists of, which has thus acquired an undoubted Right to make the Money in the Treasury, especially if the Sum be large, the Object of their Consideration? it would seem probable, from the Words immediately following, that be they what or whom they will, or be the Sum in the Treasury either large or small, their Right is the same; tho’ in the latter Case, the Author pronounces, that the Object becomes unworthy of any great Attention; here then we have got one Step farther; for tho’ we are still at a Loss concerning this Public, what *it really is*, yet we seem pretty well warranted to conclude, that according to our Author the House of Commons of this Kingdom, and consequently the Parliament of this Kingdom, is not this Public, nor so much as make any Part of it;—most insignificant Parliament! A third Step we seem likewise warranted to take, by the Sentence that immediately follows, in the Passage already recited; but when we have taken it, instead of obtaining more Light

Light we shall but find ourselves involved in greater Obscurities; Language will not allow that, the Words 'Those in Authority,' should comprehend in their meaning the *Whole of this Public*; yet, by the Office that this Author here assigns to 'Those in Authority,' it cannot be doubted that They at least constitute a very essential Part of it; but here we are again as much at a loss for a determinate Meaning of the Words now under Consideration as we were in the Instance before; whether we are to understand by them, the King and Council in *England*, and the Lord Lieutenant and Council of *Ireland*, together with the principal Law Servants of the Crown in both Kingdoms; whether all these, or more, or fewer than these; but tho' our Author may be shy, for pretty obvious Reasons, of being more explicit and determinate, in a Matter of this Sort, yet surely it can be no Difficulty on him to declare, in his next Edition, whether he doth not find himself strongly inclined to think, when at any time his Judgment insensibly gets into a composed and impartial Mood, that the OFFICE which he has here assigned to 'Those in Authority' would full as well suit the PARLIAMENT of *Ireland*, as it doth any Part, or the whole of the above Enumeration; the Sentence however, as it stands, is so singularly curious, that it cannot be unacceptable to repeat it by itself; "It therefore well became Those in Authority to consider in what Way the Whole, or Part might be best applied for the Ease of the People, and for Public Service;" please now to make but the following Alteration, and see whether this Sentence, thus varied, must not instantly approve itself

to the Heart and Judgment of every Man of Candor, connected with this Country ; “ It therefore well became the PARLIAMENT OF *Ireland* by whose AUTHORITY THIS MONEY WAS RAISED to consider in what Way the Whole or Part might be best applied for the Ease of the People and for the Public Service of this Kingdom.” Is it in Nature, that Common Sense can devise an Objection against such a Proposition as this ? And did not the whole of the Transaction, in the Session 1749, under Lord *Harrington’s* Administration, most perfectly correspond with it ? And had this original Method been suffered to go on, is there a fair minded Man, who understands the Rights of Men, and the Principles of civil Government, that will undertake to shew even a Possibility of any Injury arising from this Method, either to the Community in general, or to any real constitutional Interest, or useful Claim of Right of his Majesty in particular ? and beyond these, is there any Pretension to Prerogative which the King of *Great-Britain* and *Ireland* would wish to maintain ? or that any King at the Head of a legal Government can have a Right to claim ? Here, tho’ it may have the Appearance of a Digression it may be of some Use to observe, that the Author, by the whole Strain of his Pamphlet, would seem to have it understood, that there is no other Measure of human and social Rights but what depends upon *Precedents*, and positive Acts which at any time, and in any Circumstances have happened to be made by the commanding Powers in the respective civil Communities of Mankind ; the very Reverse of which is the Truth : So far are human Laws, all of them liable to Error and Perversion, and Multitudes of them, God knows, in most of

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the States upon Earth, no other than so many Instances and Engines of insolent Oppression and Outrage of *the few*, against those Rights of the *many* which they ought to maintain; so far are Decrees of this Sort from constituting the principal Rights of Men, that the Purpose of securing, more effectually, the Enjoyment of those natural, original, inherent Rights is the sole legitimate and righteous Foundation of all the Powers, Prerogatives, and Rights in civil Governments.

LIFE, Liberty, and the Power of acquiring and disposing of Property, are original Gifts of God to Man; and the Exercise of that *unalienable* Right of doing Homage to his Maker in such manner, as from his own inward Persuasion, he expects will render him most acceptable, bound upon him as his indispensable Duty; all of them ascertained to every Individual, prior to all human Contracts, by that moral Perception inherent and essential in every Man's Breast, causing him at all Times to discern an unalterable Difference betwixt Good and Evil, Just and Unjust, Right and Wrong, and all the various Species of Integrity, Humanity, Fidelity, and Benevolence of Heart, on the one Hand, and of Iniquity, Perfidy, Violence, and Depravity, on the other, together with an inseparably concomitant Sense of Obligation to practise the former and to avoid and abstain from the latter; a due Consideration of this, and likewise, that the several Powers in civil Government are no other than the Effects of voluntary Contracts, entered into by Men antecedently independent, primarily for the Purpose of more effectually preserving those original Rights to which God

God has given every Individual of Mankind an equal and inviolable Title, and afterwards for carrying the Interests of the Community, and the Prosperity and personal Happiness of the Individuals to all that Extent, which the Nature and Circumstances of their Condition and Situation will permit, always having a most sacred Regard to those original Rights common to them and all other Men: When these Things are a little attended to, every Man of ordinary Understanding must be immediately sensible, that when at any time a Question intimately affecting the Liberties and Property of a Community comes to be the Subject of Debate, it cannot be enough, merely to assign a Precedent of Fact (which yet in the present Case cannot in any one Instance be *fairly* assigned) nor even a legislative Act, without any Respect being had to the Time and Circumstances in which it was made; but in all Cases of this Sort, resort ought, in Reason and Justice, to be at all Times had to the primary and fundamental Purposes of that original Contract, which constituted the various Powers and delegated Rights of the Legislative, and executive Governors of the respective Community; and if, upon a fair Appeal, the Subject in Question shall be found clearly inconsistent with, and repugnant to *this original supreme Law, and truly divine Testimony*, it ought instantly to be given up, as having no Truth nor Righteousness in it.

THE Writer of these Remarks finding that the Whole cannot be got printed in such Time as to answer his Design, chuses to interrupt the present Course of

of his Examination, in order to conclude this first Number with one or two short Observations on p. 18. wherein the Author professes to state the single Question, the Decision of which must, according to him, necessarily determine the whole Debate—The Question, as he states it is in these Words, ‘ Whether the Trust of applying the Money given by Parliament to the Crown without any special Appropriation, and in the actual Receipt of his Majesty’s Treasury is by the Laws and Constitution of this Kingdom vested in the Crown for public Services.’ Now if our Author had not stopp’d here, but gone on in Words to the following Purpose,—‘ and so solely, and absolutely vested in the Crown as neither to leave the Parliament at Liberty, at any time, to inquire whether this Money has been by the Officers of the Crown honestly applied to the public Services of this Country or not, nor even in Cases where the Parliament on their Meeting shall find a large Redundancy of the Money given by themselves, remaining in the Treasury after all the public Services, or Exigencies of Government, to that Time had actually been answered, are they to presume to point out any Purposes to which this Money might be usefully employed for answering future public Services; no, nor even to propose the Application of any Part of it towards the Discharge of a Debt, which they themselves had brought upon the Nation for answering public Services, when the Funds provided for that Purpose had proved deficient:’ had the Question been stated by this Author in this fair, and the only fair and honest Manner; no Body probably would have had any Difficulty in joining Issue upon it; for, as the Justice, Wisdom, and Reason of the Thing must

must be eternally and unalterably against his Side of the Question, when thus fully and candidly stated, so whenever he shall think proper to produce *this Constitutional Deed of Trust*, to which he would seem to refer, he will most assuredly find, not by implication but in express Terms in the Body of this Deed, that the Parliament, who gave this Money, have for ever reserved the Right as often as they shall meet, to inquire whether the Applications actually made, have been agreeable to the Purposes for which the Money was given ? and likewise, as the first and great Council of the Crown, to point out such Uses of the public Money yet unapplied, as they shall judge most conducive to these public Services in time to come — But more upon this Subject when it shall come in its regular Course.

Perhaps it may seem but an idle undertaking to set about in this Manner to detect the Fallacies, and expose the Blunders of a Writer who from the Specimen already produced must but too plainly appear to be somewhat defective in those Qualities which are absolutely requisite for meriting the Credit and Attention of the Public ; and it is readily confessed, that it would be no less so in reality, than what it may thus seem, were it not that the Performance is already gloried in, as a valid Defence of a Measure which had it succeeded, or were it ever to succeed, must infallibly issue in rendering the Property and Liberties of this Country for the future precarious ; relied on likewise as a successful Effort for stifling the Gratitude, and abating the Esteem of the Public towards those worthy and gallant spirited Men, who in resolutely vindicating the Rights of this Kingdom, were very well aware, that they were putting it into the Power of Malice and Falsehood to bring upon them a Resentment which of all Evils but those of injuring their Country, and of wounding their own Spirits and Honour, they had always been most solicitous to avoid.

11. 174 N U M B E R I.

The Remainder will be published in a few Days.